

#14 ELECTION
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Mullish

Due Date: May 8, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Gregory A. Fish et al.	Examiner:	Matthew C. Landau
Serial No.:	09/879,821	Group Art Unit:	2815
Filed:	June 11, 2001	Docket:	G&C 122.3-US-U1
Title:	MANUFACTURABLE SAMPLED GRATING MIRRORS		

CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being filed via facsimile transmission to the U.S. Patent and Trademark Office on May 8, 2003.

By: 

Name: Bradley K. Lorts

RESPONSE TO RESTRICTION REQUIREMENT

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TECHNOLOGY CENTER 2800

Dear Sir:

In response to the Office Action dated April 8, 2003, please amend the above-identified application as follows:

REMARKS

The Office Action dated April 8, 2003 required restriction of the claims into two claim Groups, Group I drawn to a Bragg reflector device and Group II drawn to a method of configuring a Bragg reflector. In response, Applicants elect Group I, namely claims 1-3, 11, 12 and 17-19. However, Applicants do so with traverse.

The Examiner asserts that the inventions of the two claim Groups are distinct because they are related as a process of making and the product made.

However, according to M.P.E.P. §803, there are two separate criteria for a proper restriction requirement. First, the two inventions must be independent and distinct. In addition, there must be a serious burden on the Examiner if restriction is not required. Even if the first criterion has been met in the present case, the second criterion has not been met.

Gates & Cooper LLP

Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, California 90045

FAX TRANSMISSION TO USPTO

TO: Commissioner for Patents
Attn: Examiner Matthew C. Landau
Patent Examining Corps
Facsimile Center
Washington, D.C. 20231

FROM: Bradley K. Lortz
OUR REF.: G&C 122.3-US-U1
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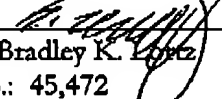
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PTO FAX NUMBER: 703 872 9318

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Title of Document Transmitted:	RESPONSE TO RESTRICTION REQUIREMENT
Applicant:	Gregory A. Fish et al
Serial No.:	09/879,821
Filed:	June 11, 2001
Group Art Unit:	2815
Our Ref. No.:	G&C 122.3-US-U1

By: 
Name: Bradley K. Lortz
Reg. No.: 45,472

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Applicant: Gregory A. Fish et al. Examiner: Matthew C. Landau
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Dear Sir:

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We are transmitting herewith the attached:

- ☒ Transmittal sheet, in duplicate, containing a Certificate of Mailing or Transmission under 37 CFR 1.8.
☒ Response to Restriction Requirement.

Please consider this a **PETITION FOR EXTENSION OF TIME** for a sufficient number of months to enter these papers, if appropriate.

Please charge all fees to Deposit Account No. 50-0494 of Gates & Cooper LLP. A duplicate of this paper is enclosed.

Customer Number 22462
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